AF $
C.C.
JFW

Docket No.: A-2875

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

MAIL STOP: APPEAL BRIEF-PATENTS

By: _____ Date: December 21, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

Applic. No.	:	09/981,847 Confirmation No.: 7052
Inventor	:	Edelbert König
Filed	:	October 18, 2001
Title	:	Method for Transmitting Data Between a First and a Second Computing Unit
TC/A.U.	:	2153
Examiner	:	Lashanya Renee Nash
Customer No.	**:**	**24131**

Hon. Commissioner for Patents
Alexandria, VA 22313-1450

BRIEF ON APPEAL

S i r :

This is an appeal from the final rejection in the Office action dated July 21, 2005, finally rejecting claims 1-13.

Appellants submit this *Brief on Appeal* in triplicate, including payment in the amount of $500.00 to cover the fee for filing the *Brief on Appeal*.

12/28/2005 DEMMANU1 00000047 09981847
01 FC:1402 500.00 OP

Real Party in Interest:

This application is assigned to Heidelberger Druckmaschinen AG of Heidelberg, Germany. The assignment will be submitted for recordation upon the termination of this appeal.

Related Appeals and Interferences:

No related appeals or interference proceedings are currently pending which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

Status of Claims:

Claims 1-13 are rejected and are under appeal.

Status of Amendments:

No claims were amended after the final Office action. *A Response under 37 CFR § 1.116* was filed on September 21, 2005. The Primary Examiner stated in an *Advisory Action* dated October 20, 2005, that the request for reconsideration had been considered but did not place the application in condition for allowance.

Summary of the Claimed Subject Matter:

As stated in the first paragraph on page 1 of the specification of the instant application, the invention

relates to a method for transmitting data between two computing units.

Appellant stated on page 8 of the specification, line 12, that, referring now to the drawings and, first, particularly to Fig. 1 thereof, there is shown therein a first computing unit 1, which has an input unit 4, a display unit 5, and a first memory 6. The first computing unit 1 communicates with a second computing unit 2 via a data connection 3. The second computing unit 2 is in communication with both a second memory 7 and, via data lines 10, a control unit 8. The control unit 8 is connected to a printing press 9 via a control line 11. The second computing unit 2 and the control unit 8 control the printing press 9 in accordance with predetermined methods and data that are stored in the second memory 7. The printing press 9 is a sheet-fed printing press, for example. The second computing unit 2 is connected to a sensor 32, which is disposed on the printing press 9 and detects operating parameters of the printing press 9.

Appellant outlined on page 9 of the specification, line 2, that the data connection 3 is preferably constructed in the form of a point-to-point connection wherein, directly over a telephone line, a connection is established between the first and the second computing units 1 and 2. The direct data

connection offers the advantage that the data are transmitted relatively reliably between the first and the second computing units 1 and 2.

As set forth in the last paragraph on page 15 of the specification, line 21, Fig. 3 illustrates a method for setting a data connection between the first and the second computing units 1 and 2. At a program point 10, the program is started in the first computing unit 1. Next, at a program point 20, a selection of one among a plurality of diagnostic programs is made in the first computing unit 1. At a next program point 30, a control unit is assigned to the printing press to be monitored. Next, at a program point 40, a selection of the transfer parameters is specified, which are to be transmitted in the performance of the diagnostic program from the second computing unit 2 to the first computing unit 1. Next, at a program point 50, a configuration of the data connection is selected, according to which a connection is to be established between the first or second computing unit 1, 2. At a next program point 60, machine data for the printing press to be monitored are preferably input. After the described program steps have been executed, an initialization of the data connection between the first and the second computing units is performed.

As set forth in the last paragraph on page 16 of the specification, line 21, the establishment of a data connection between the first and the second computing units 1 and 2 is described hereinafter in further detail in conjunction with Figs. 4 and 2. At a program point 100, the first computing unit 1, after a login input via the input 4, starts the establishment of a connection to a previously specified second computing unit, which was selected in accordance with the method illustrated in Fig. 3. At a next program point 110, the first computing unit 1 looks in a table for the telephone number by which a data connection with the selected second computing unit can be established. Next, at program point 120, the first computing unit 1 dials the applicable telephone number, so that a data connection is established between the specified first interface 21 and the specified second interface 22. Next, at a program point 130, by a communications protocol specified as above, the first computing unit 1 sends a request for a data connection to the specified second interface 22. The second interface 22, via the second channel administration 24 and the second serialization program 25, transfers the request signal to the second port software 26, which sends the request on to a specified data port 27, 28, 29.

Appellant outlined on page 17 of the specification, line 17,

that, once the request has been received, the second computing unit 2, by the specified communications protocol, sends a response at a program point 140 to the first computing unit 1, which response indicates which communications protocol will be used for data exchange, and which diagnostic programs are available for monitoring the printing press 9. The diagnostic programs are stored in the second memory 7.

If is further stated on page 17 of the specification, line 17, that, once the response has been received from the second computing unit 2, the first computing unit 1 at a program point 150 switches over to the communications protocol proposed by the second computing unit 2 and then, at a program point 160, selects at least one of the possible diagnostic programs and the applicable data ports. This information is transmitted to the second computing unit 2.

Appellant explained on page 18 of the specification, line 7, that at a next program point 170, the first computing unit 1, by issuing a suitable start signal via the data connection 3, starts the execution of a diagnostic program in the second computing unit 2. In the execution of the diagnostic program, the second computing unit 2 accesses data of the control unit 8 and/or data of the printing press 9. The data of the printing press 9 are furnished via a sensor 32 to the second

computing unit 2, which furnishes information on various operating parameters of the printing press 9 to the second computing unit 2. The data are transmitted in the form of data packets, with a data header and useful data. The data header includes information about which data port has output the data packet and what type of data is involved. The type of data indicates, for example, what parameters of the printing press are involved. The assignment of the data packet to a data port is effected via a port number.

As stated in the last paragraph on page 18 of the specification, line 24, the data packets are output at a program point 180 by the second computing unit 2, preferably separably depending upon the data, via the third, fourth or fifth data port 27, 28, 29.

Appellant outlined on page 19 of the specification, line 2, that, for example, service data, such as data about a dynamic test of the control unit 8 or data about a test of the second memory 7, are established at the third data port 27 and are output only via the third data port 27. Job-relevant data are output, for example, via the fourth data port 28. Setting values, such as the number of printing values, the type of delivery, and so forth, are output, for example, via the third data port 29. Application data, such as a color zone setting

or a quantity of dampening medium, for example, are also output via a separate data port. A plurality of data ports are therefore required, to enable an exchange of different types of data simultaneously.

Appellant explained on page 20 of the specification, line 5, that a considerable advantage of the invention is that a so-called connection manager is provided between the data ports 12 and 31 of the first computing unit 1 and the data ports 27, 28 and 29 of the second computing unit 2; this connection manager enables an automatic configuration and a serialization of the data, which are output in parallel by the data ports, into a serial data stream. The diagnostic program for monitoring the control unit 8 and the printing press 9 runs independently of the connection manager, and the result is output via the corresponding data ports 27, 28 and 29. The data ports in the form of TCP/IP data ports represent a standardized interface, so that programming of the diagnostic programs and programming of the configuration programs is possible independently of the type of data transmission employed between the data ports. The programs can thus be written in accordance with specified methods. Hence, the type of data transmission need not be known to the programmer, making independent programming possible.

References Cited:

6,098,108	Sridhar	July 24, 2001
WO 00/49501	Collin et al.	August 24, 2000

Grounds of Rejection to be Reviewed on Appeal

1. Whether or not claims 1 and 12 are obvious over (U.S. Patent No. 6,098,108) in view of (WO 00/49501) (hereinafter "Collin") under 35 U.S.C. § 103. under 35 U.S.C. §103.

Argument:

Whether claims 1 and 12 are obvious over Sridhar in view of Collin under 35 U.S.C. §103.

Claims 1 and 12 are not obvious over Sridhar in view of Collin under 35 U.S.C. §103:

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 12 call for, *inter alia*:

displaying a specified number of diagnostic programs stored in said second computing unit after the data connection is established, selecting and starting one of the diagnostic programs via the computing unit, and transmitting results of the one diagnostic program to the computing unit.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest **all** the claim limitations.

The references do not show or suggest displaying a specified number of diagnostic programs stored in said second computing unit after the data connection is established, selecting and starting one of the diagnostic programs via the computing unit, and transmitting results of the one diagnostic program to the computing unit, as recited in claims 1 and 12 of the instant application.

The Examiner correctly stated that Sridhar fails to disclose "displaying a specified number of diagnostic programs stored in the second computing unit after the data connection is established; selecting and starting one of the diagnostic programs via the first computing unit; and transmitting results of the one diagnostics program to the first computing unit."

As will be seen from the following comments, the Collin reference **does not** make up for the deficiencies of Sridhar.

The rejection made by the Examiner over Collin is based on a misunderstanding with respect to the words "client" and "server" as used in Collin. The Examiner incorrectly assumes that Collin discloses a typical client-server computer system with one client computer and one server computer. However, Collin discloses a **single** computer system. Therefore, there is only one computer hardware system that runs several programs with program modules, some modules named server applications and some modules named client applications. This is disclosed in Figs. 1 and 2 of Collin and in the corresponding description. Fig. 1 of Collin shows an exemplary computer system and Fig. 2 of Collin shows another embodiment of an exemplary computer system.

Collin discloses that the computer system (100) (Fig. 1) includes a server driver (102) and a server application (104). The single computer system (100) includes an x-system (106) and an x-application (108) (page 7, lines 5-15). However, all the all computer modules (102, 102, 106, and 108) run on the same computer hardware system (100), which is the only computer hardware system. Messages, events, signals and the like can be passed from one of the applications (102, 102,

106, and 108) to another application of the above-mentioned computer modules. There is no second computer hardware unit to which a connection is made via the Internet or via other computer networks.

On page 8, lines 12-26, the instant application discloses that the wording of "computing unit", used in independent claims 1 and 12, is a computer hardware system. This indicates that a first computing unit and a second computing unit are clearly disclosed as two separate computer systems that can communicate via the Internet or other networks. Establishing a connection from a first computing unit to a second computing unit, as disclosed in the instant application, indicates that a network connection is established between the first computer hardware and the second computer hardware. This is contrary to Collin, which discloses passing information from one application to another application **within** the same computer system (100). Collin does not disclose a network connection, Collin only discloses that computer modules on the same computer system (100) interact with each other.

In Fig. 2 and the corresponding specification on page 8, second paragraph, Collin discloses a second exemplary computer system (200), which **does not** interact with the computer system (100). The second computer system (200) is just a second

example of an embodiment of a similar computer system. Therefore, the second computer system (200) of Collin is not a second computer system as recited in claims 1 and 12 of the instant application. Instead, it is another computer system like the first computer system (100) of Collin. Collin discloses that the second computer system (200) runs several applications or computer modules like a message server driver (204), a modem system (202), a signal server driver (206), and signal servers (208 and 210). The horizontal line in Fig. 2 of Collin only separates certain levels within one and the same computer system (200), the horizontal line is not a line between two or more computer systems. Collin discloses that there is a kernel mode level and an application mode level. The kernel mode level is the core program of the computer system, whereas the application mode level is a subsequent level.

In the first paragraph on page 9, Collin discloses that the diagnosis is only done on the second computer system (200), where all messages and reports are created. If desired, support personnel can ask the user to send the data base which has been created on the only computer system (200) to their computer. According to claims 1 and 12 of the instant application, no databases are sent from a first computing unit to a second computing unit. Instead, in the instant

application, only one database is stored on a first computing unit wherein all addresses of several second computing units are stored. If a certain second computing unit is selected in the database, a connection is established to the selected second computing unit and then a version comparison between the first and the second computing units is done with respect to an employed communications protocol. After the proper communication protocol has been successfully determined, data connection for transmitting data is established. Next, a number of diagnostic programs stored in the second computing unit are transmitted to the first computing unit so that the user at first computing unit can select and start one of the diagnostic programs in the second computing unit via the first computing unit. Such a process is not disclosed in Collin. In Collin, the diagnostic programs are just stored on the first (only) computer unit and are selected by the user of the first (only) computer unit. When the diagnostics are completed, the whole result wrapped in a database can be sent to the support personnel or the developers' company.

Collin discloses the software architecture of one computer system, which is able to pass the database to a support company. The only disclosure of a second computing system in Collin is on page 9, lines 3-5, where it is disclosed that the interaction is limited to passing a database from a single

computer system to support personnel. Collin does not disclose interaction within a client-server system with several computer units. This is contrary to the invention of the instant application, recites displaying a specified number of diagnostic programs stored in said second computing unit after the data connection is established, selecting and starting one of the diagnostic programs via the computing unit, and transmitting results of the one diagnostic program to the computing unit.

The references applied by the Examiner **do not** teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

Furthermore, the following remarks pertain to the Advisory action dated October 20, 2004.

The Examiner has the incorrect opinion that Collin discloses two different computer systems, one computer system being the server and one computer system being the client. As seen from the above-given remarks, Collin only discloses one computer system, which includes client and server modules. As seen from the first paragraph on page 4 of Collin, a computer system in the meaning of Collin is just a single computer, otherwise the sentence in lines 3-5 disclosing that a

communication between the computer system and another computer system over a modem system would be meaningless and useless.

Furthermore, appellant refers to Figs. 1 and 2 and the corresponding description parts of Collin, where it is explicitly disclosed that items (100 and 200), which include all items in each figure, are computer systems, (page 8, last two lines of first paragraph and second paragraph on page 8). The broken lines in Figs. 1 and 2 are not a border between two different computer systems but instead they are the border within a single computer system for separating the application mode level from the kernel mode level. The second paragraph on page 8 of Collin discloses that the modem system (202), the message server driver (204) and the signal server driver (206) are at the kernel mode level of the computer system (200), whereas signal servers (208, 210) are at the application mode level. Also, the information channels cited by the examiner are created in one of the computer systems (100, 200) and not between two computer systems (100 and 200).

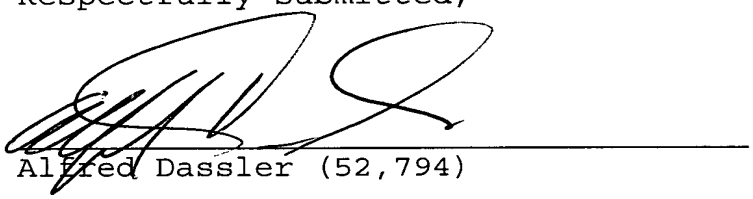
Therefore, the Examiner's assertion in the Advisory action that Collin discloses the server and client are separate computing units are incorrect. As such, the Examiner's allegations regarding the displaying steps and the selection and starting of programs, which follow are also not correct.

Accordingly, the Examiner's allegations that Sridhar in combination with Collin teach all of the limitations set forth in claims 1 and 12 is not correct. The honorable Board is therefore respectfully requested to disregard the Examiner's comments in the Advisory action.

Accordingly, claims 1 and 12 are believed to be allowable.

Based on the above-given remarks, the honorable Board is therefore respectfully urged to reverse the final rejection of the Primary Examiner.

Respectfully submitted,



Alfred Dassler (52,794)

AKD/bb

Date: December 21, 2005
Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, Florida 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101

Claims Appendix:

1. A method for establishing a data connection and for transmitting data from a first computing unit to a second computing unit, which comprises:

in the first computing unit, selecting and reading out from a database an address of the second computing unit in a selection program;

establishing a connection with the address of the second computing unit; initially performing a version comparison between the first and the second computing units with respect to an employed communications protocol;

after the communications protocol is determined, establishing a data connection for transmitting data;

displaying a specified number of diagnostic programs stored in the second computing unit after the data connection is established;

selecting and starting one of the diagnostic programs via the first computing unit; and

transmitting results of the one diagnostic program to the

first computing unit.

3. The method according to claim 1, which includes:

displaying a specified number of diagnostic programs for monitoring a printing press connected to the second computing unit;

selecting and starting one of the diagnostic programs via the first computing unit; and

transmitting results of the one diagnostic program to the first computing unit.

4. The method according to claim 3, which includes providing a table wherein diagnostic programs are assigned to specified printing presses, so that when establishing a connection, the diagnostic programs pertaining to a printing press are displayed for selection.

5. The method according to claim 3, which includes, depending upon the diagnostic program that is selected, establishing a communications protocol via which data are transmitted between the first and the second computing units.

6. The method according to claim 3, which includes, depending upon the diagnostic program that is selected, providing a specified number of data ports via which data are transmitted.

7. The method according to claim 6, which includes transmitting specified data only via specified data ports.

8. The method according to claim 7, which includes outputting the data in parallel via the data ports, and transmitting the data output serially in data packets via the data connection.

9. The method according to claim 8, which includes providing in each data packet an identifier for the data port, which indicates the data port from which the data were output.

10. The method according to claim 1, which includes selecting a type of control with which a printing press is controlled by the computing unit and, depending upon the control that is selected, selecting at least one of a communications protocol and a diagnostic program.

11. The method according to claim 1, which includes selecting a type of control with which a printing press is

controlled by the computing unit and, depending upon the control that is selected, displaying at least one of a communications protocol and a diagnostic program for selection.

12. A computing unit comprising:

a memory, and at least one of hardware or software for selecting and reading out from a database an address of a second computing unit in a selection program, for establishing a connection with the address of the other computing unit, for initially performing a version comparison between the computing units with respect to an employed communications protocol, and for establishing, after the communications protocol is determined, a data connection for transmitting data, displaying a specified number of diagnostic programs stored in said second computing unit after the data connection is established, selecting and starting one of the diagnostic programs via the computing unit, and transmitting results of the one diagnostic program to the computing unit.

13. The method according to claim 1, wherein the diagnostic programs stored in the memory of the second computing unit are used for monitoring a printing press..

Evidence Appendix:

No evidence pursuant to && 1.130, 1.131, or 1.132 or any other evidence has been entered by the Examiner and relied upon by appellant in the appeal.

Related Proceedings Appendix:

Since there are no prior or pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal, no copies of decision rendered by a court or the Board are available.